

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
Eastern Division**

PENNYMAC LOAN SERVICES, LLC,  
Plaintiff,

CIVIL ACTION  
Case No: 2:19-cv-00193- HSO-  
MTP

-vs-

INNOVATED HOLDINGS, INC. dba  
SITCOMM ARBITRATION  
ASSOCIATION; MARK MOFFETT;  
SANDRA GOULETTE; RONNIE  
KAHAPEA; MARK JOHNSON, KIRK  
GIBBS; BRETT “EEON” JONES aka EEON  
aka BRETT JONES aka BRETT TORIANO  
JONESTHEOPHILIOUS aka BRETT  
RANDOFF TORIANO KEEFFE HENRY  
KANA-SHAPHEL HITHRAPES JONES-  
THEOPHILUS fka KEEFE BRANCH; and  
RANCE MAGEE,

**DECLARATION OF NICOLE  
METRAL IN SUPPORT OF  
PLAINTIFF PENNYMAC  
LOAN SERVICES, LLC’S  
RESPONSE IN OPPOSITION  
TO KIRK GIBBS’ MOTION TO  
APPOINT COUNSEL  
(DOCKET 189)**

Defendants.

**DECLARATION OF NICOLE METRAL IN SUPPORT OF PLAINTIFF  
PENNYMAC LOAN SERVICES, LLC’S RESPONSE IN OPPOSITION TO  
KIRK GIBBS’ MOTION TO APPOINT COUNSEL (DOCKET 189)**

I, Nicole Bartz Metral, hereby do declare as follows:

1. I am an attorney at law duly licensed to practice before all the courts of the State of California and have been admitted *pro hac vice* before this Court for the above-referenced matter. I am an associate in the law firm Blank Rome LLP, attorneys for plaintiff PennyMac Loan Services, LLC (“PennyMac”) in the above-

entitled action. I have personal knowledge of the facts set forth in this declaration, and if called upon to testify as a witness, I could and would competently testify to the following facts.

2. I submit this declaration in support of in support of Plaintiff PennyMac Loan Services, LLC's Response in Opposition to Kirk Gibbs' Motion to Appoint Counsel (Docket 189).

3. By order, dated February 11, 2021, the Court granted PennyMac's motions to compel Gibbs to respond to PennyMac's discovery requests and appear at a deposition and ordered Gibbs to, on or before February 26, 2021: (1) respond fully to PennyMac's Interrogatories and Requests for Production of Documents without objection; and (2) provide PennyMac with three possible deposition dates prior to March 15, 2021. (Dkt No. 171.)

4. Gibbs has not responded to PennyMac's Interrogatories and Requests for Production of Documents. Gibbs also has not provided any dates that he is available to sit for a deposition.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 5th day of April, 2021, at Los Angeles, California.

*/s/ Nicole Bartz Metral*  
Nicole Bartz Metral

## **PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is **BLANK ROME LLP**, 2029 Century Park East, 6<sup>th</sup> Floor, Los Angeles, California 90067.

On **April 5, 2021**, I served the foregoing document(s):

### **DECLARATION OF NICOLE METRAL IN SUPPORT OF PLAINTIFF PENNYMAC LOAN SERVICES, LLC'S RESPONSE IN OPPOSITION TO KIRK GIBBS' MOTION TO APPOINT COUNSEL (DOCKET 189)**

on the interested parties in this action addressed and sent as follows:

#### **SEE ATTACHED SERVICE LIST**

- BY ENVELOPE:** by placing  the original  a true copy thereof enclosed in sealed envelope(s) addressed as indicated and delivering such envelope(s):
- BY CERTIFIED MAIL:** I caused such envelope(s) to be deposited in the mail at Los Angeles, California with postage thereon fully prepaid to the office or home of the addressee(s) as indicated. I am "readily familiar" with this firm's practice of collection and processing documents for mailing. It is deposited with the U.S. Postal Service on that same day, with postage fully prepaid, in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.
- BY FEDEX:** I caused such envelope(s) to be deposited in a box or other facility regularly maintained by FedEx, an express service carrier, or delivered to a courier or driver authorized by said express service carrier to receive documents in an envelope designated by the said express service carrier, addressed as indicated, with delivery fees paid or provided for, to be transmitted by FedEx.
- FEDERAL:** I declare that I am employed in the office of a member of the bar of this court at whose direction service was made.

Executed on **April 5, 2021**, at Los Angeles, California.



Charman Bee

**SERVICE LIST**

*Pennymac Loan Services, LLC v. Sitcomm Arbitration Association, et al.;*  
Case No. 2:19-cv-00193-KS-MTP

**BY CERTIFIED MAIL:**

Ronnie Kahapea  
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Defendant

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Defendant

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Defendant

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Defendant

Mark Moffett  
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Defendant

Rance Magee  
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Defendant

Innovated Holdings, Inc. dba  
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Defendant

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Defendant